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9 UNITED STATES BANKRUPTCY COURT  
10 NORTHERN DISTRICT OF CALIFORNIA, SANTA ROSA DIVISION

11 In re:

12 JOHN EDWARD FRAINE

13 Debtor.

14 SSN: XXX-XX-8899  
15  
16

Case No. 13-11158

Chapter 7

EX PARTE APPLICATION FOR ORDER  
SHORTENING TIME

Court: Hon. Alan Jaroslovsky  
99 South E Street  
Santa Rosa, California  
95404

17 **I. INTRODUCTION**  
18

19 Debtor John Fraine (hereinafter "Debtor") hereby applies *ex parte* for an order shortening  
20 time on Debtor's motion for an Order Compelling Abandonment of the Estate's interest pursuant  
21 to 11 U.S.C. §554 in the shares of the The Perfect Builder Inc. d/b/a Building Solutions  
22 (hereinafter "Corporation").

23 This application is based on the lack of any value in the Corporation as set forth in the  
24 Motion and the concurrently filed Declaration of John Fraine.

25 Further, good cause exists to shorten time so as to prevent any possible liability to the  
26 estate and to resolve the case before the Court without incurring any expense to the estate or the  
27 Trustee. Further, there is no value in the business, and is therefore burdensome to the estate  
28 because it is of inconsequential value and/or has no benefit to the estate.

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2 **II. ARGUMENT**

3 Debtor filed and served a Motion to Compel Abandonment on July 2, 2013 and currently  
4 has a hearing date set for August 2, 2013.

5 As shown in the filed schedules and the Statement of Financial Affairs of this case, the  
6 Debtor owns shares in the corporation The Perfect Builder Inc. d/b/a Building Solutions.

7 Debtor in this case is the sole shareholder, and the business is for building contracting  
8 services. Debtor is the only contractor for the business. As the business is incorporated, the  
9 continued operation of the business presents no liability for the estate.

10 The value of the corporation is zero. It has substantial cash assets of approximately  
11 \$95,000 as of the date of filing. However, the business has unsecured liabilities in excess of  
12 \$125,000 as set forth in the schedules and the concurrently filed Declaration of the Debtor.

13 For these reasons, Debtor asserts that there is no business equipment or inventory that can  
14 be profitably liquidated by the Trustee over and above the exemptions claimed by the Debtor.

15 In addition, Debtor asserts that pursuant to 11 U.S.C. §721, the Trustee is obliged to  
16 abandon the estate's interest in the business as there is a lack of any non-exempt equity in any  
17 business-related asset, equipment or inventory, there is no benefit to the estate from continuing to  
18 hold this case open.

19 For these reasons, Debtor requests that the motion be heard on shortened time and set for  
20 hearing on July 12, 2013 at 10:00am.

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22 Dated: July 2, 2013

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/s/ Thomas P. Kelly III  
Thomas P. Kelly III  
Attorney at Law